

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of: Confirmation No.: 3748  
Sam IDICULA Examiner: COLAN, Giovanna B.  
Serial No.: 10/648,749 Group Art Unit No.: 2162  
Filed on: August 25, 2003  
For: IN-PLACE EVALUATION OF XML  
SCHEMAS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REPLY BRIEF**

Sir:

This Reply Brief is submitted in response to the Examiner's Answer mailed on April 17, 2009.

In relation to Claim 1, the Examiner alleges on page 14 of the Answer that "an evolved XML schema" and "an existing XML schema" are not recited in the rejected claims.

In reply, the Appellants note that Claim 1 recites, among other features, "receiving, at a schema evolver that is executing in a computer system, a document that indicates one or more changes to be made to **an existing first XML schema**; based on said first XML schema and said document, said schema evolver generating **an evolved second XML schema**."

Thus, the Examiner is incorrect.

The Examiner argues on page 16 of the Answer that “generating a transformation of a second schema” necessarily implies “generating a second schema.” The Applicants disagree. Fox discloses that “the imported British Airways XML schema” already exists by the time that the transformation (the document which, when applied, will transform (a) documents conforming to the SwissAir schema into (b) documents conforming to the British Airways schema) is generated. Indeed, the British Airways schema must exist before the transformation in Fox can be generated, because the generation of the transformation in Fox cannot proceed without it.

The Examiner then once again cites Fox’s paragraph [0482], whose true meaning and context the Appellants explained on page 10 of the Appeal Brief. The Examiner now argues that the XSLT script “indicates changes that are to be made to the existing XML schema.” However, this allegation is pulled out of thin air. Fox does **not** state that the XSLT script is ever applied to **any** XML schema; at least, the Examiner has not cited any part of Fox that indicates that an XSLT script is ever applied to an XML schema. Paragraph [0482] clearly does not say this. The Appellants note that, since the XSLT script is clearly generated **based on** the XML schema, it is highly unlikely that the XSLT script is then applied to change that XML schema.

In relation to Claim 12, the Examiner argues on page 17 of the Answer that paragraph [0442] discloses database object types. Paragraph [0442] discloses XML code. The XML code does not appear to generate any database object type. Although the Examiner alleges (as near as the Appellants can tell) that “office” is a database object type (like “VARCHAR2”), there does not appear to be any support for this allegation anywhere in Fox.

Furthermore, the Appellants note that Claim 12 requires “generating one or more SQL statements that, when executed, cause a database server to alter said set of one or more database object types.” If “office” is a database object type, then the Appellants would expect the Examiner’s rejection to indicate some part of Fox that discloses SQL statement which alter “office” as a database object type. Of course, Fox does not disclose any such SQL statements, perhaps due in part to the fact that “office” as discussed in Fox’s paragraph [0442] is not in any way a database object type.

In relation to Claim 14, the Examiner expresses disagreement with the Appellants on page 18 of the Answer. The Answer does not appear to contain any reasoning rebutting the Appellants’ allegations beyond this general expression of disagreement. Then, the Examiner once again alleges that the claims do not recite either an “evolved” or an “existing” XML schema. The Appellants have already rebutted this allegation in the discussion of Claim 1, above.

In relation to Claim 18, the Examiner argues that “specified by another XML” is not recited in the claims. However, Claim 18 does recite, in part, “**a third XML schema that is separate from** said first XML schema and said second XML schema.” If the third XML schema is **separate from** the first and second XML schemas, then it is an inescapable conclusion that the third XML schema is **another** XML schema in relation to the first and second XML schemas, inasmuch as the third XML schema is **not** either the first XML schema or the second XML schema.

Then, on page 19, the Examiner argues that if changes are expressed in a first or second schema, then they must necessarily be expressed in a third schema. The Appellants

respond that this is not necessarily so. A change might be expressed in a first and a second schema, and yet still not be expressed in a third schema. Even if either the SwissAir or British Airways schemas (discussed in Fox) actually did express changes to schema as **instances of XML types** (which they do not), there is no part of Fox that indicates that some schema other than these two would also express such changes. Fox's schemas do not even indicate changes that are to be made to other schemas. It follows that Fox's schemas therefore cannot indicate such changes, more specifically, as instances of XML types.

In relation to Claim 4, the Examiner argues on page 21 of the Answer that deletion of an object implies deletion of that object's type. The Appellants merely wish to re-assert their previous argument, made in the Appeal Brief, that in the context of database systems, the deletion of a database object that has a certain database object type does **not** imply that the database object type is also deleted.

Based on the foregoing, it is respectfully submitted that the rejections of Claims 1-12, 14-16, 18-29, and 31-33 lack the requisite factual and legal bases. Appellants respectfully request that the Honorable Board **reverse** the rejections of Claims 1-12, 14-16, 18-29, and 31-33.

Respectfully submitted,

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Date: June 1, 2009

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